IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
A.O. No. 27 of 2001

Employees' State Insurance Corporation
Office of Regional Director
E.S.I. Corporation
Pachdeep Bhawan
Sarvoday Nagar
Kanpur ... Appellant

Vs

1. The Vanguard Daily
   37 Cannaught Place
   Dehradun, Uttaranchal
2. Shri V.K. Nagalia
   Publisher
   The Vanguard Daily
   37 Cannaught Place
   Dehradun, Uttaranchal ... Respondents

Sri C.K. Sharma holding brief of Sri R.K. Raizada, learned counsel for the appellant
Sri T.C. Pandey holding brief of Sri I.P. Kohli, learned counsel for the respondents

Hon'ble B.C. Kandpal, J.

This appeal has been filed by the appellant under Section 82 of Employees' State Insurance Act, 1948 against the judgment and decree dated 11.01.2001 passed by Employees' State Insurance Court, Dehradun in E.S.I. Case No. 2 of 2000 between The Vanguard Daily & others Vs Employees' State Insurance Corporation, Kanpur.

2. Brief facts of the case are that the plaintiff/respondents filed a case before the Employees' State Insurance Court, Dehradun which was allowed by the court concern vide judgment and decree dated 11.01.2001.

3. Feeling aggrieved by the aforesaid, the appellant preferred an appeal before this Court.

4. After having considered the arguments advanced by the learned counsel for the parties and having perused the impugned judgment and order dated 11.01.2001 passed by the court below, I am of the view that the appellant could not establish this aspect that the plaintiff had more than 20 employees at a time in the concern.

5. The court below has framed the issue No. 2 and has discussed the same after the proper assessment of the evidence. It is quite clear from the statement of the inspector – R.K. Agarwal that when he inspected the establishment, he found 3 or 4 persons working over there. Inspector could not find more than six persons at a time in the establishment.

6. I do not find any illegality or infirmity in the impugned judgment and order passed by the court below. The court below has rightly decreed the suit of the plaintiff/respondents.

7. In view of the above circumstance, the appeal lacks merit and is liable to be dismissed.

8. Accordingly, the first appeal is dismissed in-limine.

(B.C. Kandpal, J.)

02.12.2006
ASWAL